SINGLE BENCH

C.S.1001

(4)

IN THE HIGH COURT OF JUDICATURE ATBILASPUR (CHHATTISGARH)

W.P.No.3393 /2006

Petitioner :

Shri Ram Joshi
S/o Shri Kartikeshwar Prasad Joshi, Aged about 57 years, R/o Naya Mandi Para, Jagdalpur, Bastar (C.G.)

P.R. No. 3458/06
Presented by Shri Kunal Dal
Read 10/7/06

Versus

Respondents :

1. State of Chhattisgarh – Through the Secretary, Revenue Department, DKS Bhawan, Raipur (C.G.)

2. The Collector, Dantewada, Bastar (C.G.)

3. Shri Ghansyam Dewangan, Patwari, Halka No.17, Potepani, Distt. Rajnandgaon (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.(S).3393/06 सन् 200

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..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	12-7-2006:- Shri P. Diwakar, Sr. Advocate with Shri Adil Minhaj, Advocate for the petitioner. Shri Satish Gupta, Deputy Govt. Advocate for the State/ respondents No.1 and 2, on advance copy. Heard both the counsel. By this writ petition, the petitioner has questioned legality and propriety of the order dated 23-6-2006 (Annexuire-P/5) whereby the petitioner has been transferred from the District: Dantewada to Rajnandgaon. The case of the petitioner is that he is working as Patwari in Dantewada District, due to death of the petitioner's daughter-in-law on 28-2-96 and thereafter death of his son on 11-6-2005, the petitioner fell disturbed, therefore, he made a representation to the Secretary, Revenue Department vide Annexure-P/6 for transferring him to his home District Bastar, as only 3 years are left in attaining the age of superannuation. Considering the case of the petitioner, even the Collector, Bastar also made a proposal to the Revenue Commissioner vide Annexure-P/4 for transferring the petitioner from Dantewada to Bastar on his own expenses. However, he has been transferred to Rajnandgaon. Learned counsel for the petitioner submitted that in the first instance the seniority of Patwari is being maintained at the district level, therefore, he cannot be transferred out of the district. The petitioner made a request for Bastar and he was ready to forgo his seniority in order to settle him in his home town, but he has been transferred to Rajnandgaon. Therefore, learned counsel further submitted that the petitioner may be allowed to make a representation to respondent No.1 and he be directed	

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	to decide the same to which learned counsel for respondents No.1 and 2 has no objection. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, without expressing any opinion on the merit of the case, prayer made by learned counsel for the petitioner is just, fair and reasonable, therefore, the petitioner is allowed to make a detailed representation along with copy of this petition to respondent No.1 within a period of two weeks from today raising all his grievances and in turn, respondent No.1 is directed to decide representation of the petitioner within a period of 2 months from the date of receipt of representation, considering all the points raised by the petitioner, in an objective manner, in accordance with law. However, as the petitioner has been transferred out of the district, therefore, it is directed that effect and operation of the impugned order in respect of the petitioner shall remain stayed till the decision of the representation. With the direction aforesaid, the petition stands disposed of. Consequently, M.(W.)P. No.2608/2006 and I.A. No.6677/2006 stand disposed of. Parties are entitled for certified copy of this order. Sd/- L.C. Bhadoo Judge	
Barve		

(पीछे देखिये)